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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,654	03/02/2004	Roland Lodholz	8470G-000013	2708

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EXAMINER

CULBRETH, ERIC D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/791,654	Applicant(s) LODHOLZ ET AL.	
	Examiner Eric Culbreth	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/8/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. In order to ensure proper consideration, applicant should provide a copy of the German reference in paragraph [0004] with the next correspondence, as it is not readily available to the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the airbag housing of all the claims and the gas generator connected to the airbag housing must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it is not accurate (the invention is not the airbag housing; the housing is not even illustrated). Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities:

a. In line 7 of paragraph [0003], “others” should be “other”.

b. In line 4 of paragraph [0016], “faces” should apparently be “faces away”

(the text seems reversed to the drawings).

Appropriate correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no support in the specification for shrinking the ring (claim 8).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3616

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Throughout claims 1-14, it is not accurate to recite the invention as an airbag housing (the housing is not even shown in the drawings; the invention appears to lie in the insert mounting the generator).

b. In claim 1, last line "and/or" is indefinite, failing to positively recite structure.

c. In claim 6, "and/or" is indefinite.

d. In claim 1 there is no antecedent basis for "the steering axis".

e. In claim 7 "or" fails to positively recite structure.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 8-10 and 13-14 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Leibach et al US 20030038462A1.

Leibach et al discloses as indefinitely recited an airbag housing (line 4 of the abstract) including a gas generator 2 comprising insert 1 with a holding sheet 3 connecting the insert to the housing (paragraph [0020]) on the edge of the insert facing the housing and a ring 24 on pressed or shrunk (flanged in paragraphs [0022]-[0023]) onto an outer wall 16 of the generator. As functionally recited in claims 8-9, the ring holds the gas generator by friction with the inward oriented border at 39 (i.e., it grips the lower edge of flange 16 at the end of paragraph [0022]). In Figure 4, insert 1 and ring 24 are the same height (claim 10), and as best seen in Figures 1 and 3 the insert 1 is tubular (claim 13. Insert 1 is joined to flange 3 by vulcanization (paragraph [0020] (claim 14).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 12 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Leibach et al.

In Figures 1 and 3 insert 1 is conical, and in the abstract Leibach et al teaches a polymer spring element vulcanized to an inner ring. Rubber is a well known polymer that acts as a spring, and vulcanization typically involves rubber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leibach et al to include rubber as the insert material in order to use a conventional typical polymer to be vulcanized as a spring element material.

13. Claims 1-7 and 11 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Leibach et al in view of Durre US006435540B1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leibach et al, who teaches in the abstract the gas generator supported as a vibration damper mass, to include the polymer membrane being rubber in order to use a conventional vulcanized polymer and to include the sheet or flange 3 being metal in view of Durre's disclosure at column 1, lines 39-44 of making the mounting plate of metal in the prior art and Leibach et al's Figure 3, where the flanges 3 and 16 include a hatching indicating metal (claim 1). Leibach et al teaches a ring 24 with an inward oriented border 39 encircling the gas generator and snugly accepting the gas generator (claims 1-3), and in Leibach et al's Figure 4 the membrane

Art Unit: 3616

1 and ring 24 are the same height (claim 4). In the combination Durre's plate 6 has holes 7 for receiving attachment bolts or the like, which would include fastening screws as broadly and functionally recited (claims 5 and 11). As stated in the preamble of Leibach et al, the membrane 1 is vulcanized onto the ring or receiving element (claim 6). As illustrated in Figure 3 of Leibach et al, the membrane 1 protrudes slightly over an outer surface of the sheet 3 and both seals and restricts vibration as functionally recited (abstract)(claim 7).


Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Back et al US 20030116948A1, Lovell et al US006783149B2, Frisch US006361065B1 and Leibach et al US 20030038459A1 all show conical vibration dampers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Eric Culbreth
Primary Examiner
Art Unit 3616

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